

EXHIBIT G

MACCANI,)
Plaintiff,)
)
vs.)
)
CITY OF L.A.,)
)
Defendant.)
_____)

TRANSCRIPTION OF RECORDED INTERVIEW
OF POLICE OFFICER III COLIN CHOMUK
BY DETECTIVES MIRELLA VALDOVINOS AND TIMO ILLIG
WITH ATTORNEY DAVID WINSLOW

Transcribed by:
Kristine Cardona

Job Number:
TP12471C

1 the stairwell. We met with the other units on the call as
2 well as the two persons reporting, who advised us that the
3 suspect had entered their -- their loft area swinging a
4 stick and instructed them, like, to get out. They
5 described him as being antsy, agitated. And they were
6 ultimately in fear, so they -- they fled their -- their
7 location to the lower level and contacted PD. We asked
8 them if he's still in there; is there anyone else in there.

9 While we were conducting our investigation, the
10 contact officer had his weapon and was posted up on
11 the -- the stairwell, which we thought was directly -- the
12 suspect would directly have access to if he went to flee.
13 Seeing that we didn't have a -- a less-lethal option there,
14 I repositioned myself behind him and had the bean bag slung
15 in a position where I could switch to my pistol to be a
16 designated cover officer shall the situation -- shall it
17 elevate to that sit -- that situation.

18 As we were doing our tactical plan, which involved
19 speaking with both PRs, our direct supervisor
20 was -- was -- we were discussing our roles where I was
21 gonna be less-lethal, the officer in front of me was gonna
22 be contact. As I said, I -- I also knew that my role could
23 switch the dynamic where I would be a designated cover
24 officer should something happen to the -- the point
25 officer. My -- my probationary officer, Officer Garcia,

1 suspect exited the location. He had his hands up.
2 He -- he -- he put his hands up. In his right hand, he was
3 clutching what I believed to be a screwdriver. It was an
4 object that was approximately -- protruding from the top
5 part of his -- his clenched fist, approximately 4 -- 3 to
6 4 inches. He was holding it. He put his hands up.

7 The cover officer began -- or the female officer
8 began to give commands to the suspect. One of the things
9 that we've had dozens upon dozens of encounters with in the
10 Skid Row area is individuals suffering mental illness or
11 drug-induced issues. So consequently, we'll have one
12 person giving commands; because if this person is having a
13 mental health episode, having multiple people yelling
14 different things can become confusing, contradictory, as
15 well as lead for one officer to perceive that the person is
16 not listening to commands versus the suspect trying to
17 follow all these different commands that are given.

18 So the -- the officer began to give commands. The
19 suspect began to comply at first. With his hands in the
20 air, he began walking backwards towards officers. He was
21 following the dictation of officers and where to move. At
22 which point I relayed to the arrest team behind me, "Hey,
23 arrest team up," which is telling them to be ready to begin
24 to move their way to the front that way they can
25 take -- that way they can take custody of the suspect and

1 injury -- serious bodily injury to my partner officer or to
2 other officers was imminent; therefore, I had to deviate
3 from policy by not giving the -- the bean bag warning. At
4 which point I -- I stepped slightly -- I stepped away from
5 my cover and concealment against the wall; I aligned
6 the -- the optic, which was turned on, with the center
7 mass -- the navel area of the -- the suspect, and I
8 deployed one round which struck him on his right
9 side -- his right stomach to lower rib area, I believe, is
10 where it's lined up. At this point, the officer to the
11 left of me deployed the -- the bean bag. I opened
12 the -- the action of the 40-millimeter, and I began to
13 redeploy while ex -- while attempting to extract the round
14 and insert another round.

15 At this point, it was clearly ineffective, which is
16 why my -- my partner officer with the bean bag fired. And
17 it seemed to agitate the individual more. At which point
18 we heard him yell loudly -- not words or anything, but just
19 out of anger -- and he charged the other officer that was
20 to my left who was holding the -- the bean bag. At which
21 point my supervisor grabbed the suspect in an attempt to
22 subdue him.

23 I observed that my partner had his -- his firearm
24 out. I then instructed, you know, to be mindful of -- of
25 potential crossfire because of the fact that we're all

1 immediately afterwards?

2 OFFICER CHOMUK: Not immediately afterwards, no. Or
3 I -- I did not hear a rack -- a re-racking of a slide, to
4 answer your question.

5 DETECTIVE VALDOVINOS: Okay. And you said you
6 redeployed --

7 OFFICER CHOMUK: Yes, ma'am.

8 DETECTIVE VALDOVINOS: -- in an attempt to reload your
9 40-millimeter --

10 OFFICER CHOMUK: Yes, ma'am.

11 DETECTIVE VALDOVINOS: -- once again. You'd mentioned
12 that you observed your partner --

13 OFFICER CHOMUK: Uh-huh.

14 DETECTIVE VALDOVINOS: -- with his handgun out --

15 OFFICER CHOMUK: Yes, ma'am.

16 DETECTIVE VALDOVINOS: -- at that time.

17 OFFICER CHOMUK: Yes, ma'am.

18 DETECTIVE VALDOVINOS: What was -- what was it that you
19 relayed to him at that moment?

20 OFFICER CHOMUK: To be mindful of -- of crossfire, due
21 to the situation, and just to be aware of either the
22 situation where we've now -- because of the suspect's
23 actions, we've been forced into a very close contact area
24 in a hallway, and there's many -- everybody's -- this
25 person -- this individual's belligerent. This is not

1 somebody that we're just trying to pin against a wall; this
2 is somebody who is thrashing, this is somebody who is
3 shoving officers to the point where my supervisor believed
4 that this individual could overpower us to the point where
5 my -- my supervisor got involved. So I wanted him to be
6 mindful just because as a -- a probationary officer and as
7 a -- a field training officer -- to be mindful of potential
8 crossfire with other officers.

9 Just officer safety is -- is the -- is at
10 the -- the head of it, and I just want -- I just wanted to
11 make that -- make that known to him or just -- just to call
12 it out that way it was addressed. You know, "Hey,
13 make" -- you know, like, if -- if -- based on the situation
14 where this individual is violently -- how we feel,
15 violently assaulting -- or on the verge of violently
16 assaulting officers, you know, with the screwdriver in his
17 hand, you know, to -- you know, I never told him to
18 reholster, because it's -- it -- if it's a -- a force where
19 he needs to be unholstered, you know, there's -- there's a
20 serious issue that -- to officer safety. So I just
21 called --

22 MR. WINSLOW: And --

23 OFFICER CHOMUK: I'm sorry.

24 MR. WINSLOW: Go ahead. Continue.

25 OFFICER CHOMUK: So that's why I -- I -- I called out

1 we were trying to do. Additionally, it -- it appeared that
2 the primary -- the first officer -- I made an indication to
3 go almost parallel to the door, which -- you know, which we
4 kinda called out. Just said, "Hey, let's reassess and
5 let's post up here." So in my opinion, there was no other
6 spot that had -- that -- that had good cover and that was
7 the best option.

8 DETECTIVE ILLIG: So the best you -- what you're
9 describing is basically just the -- the depth of a doorjamb
10 set in from the wall?

11 OFFICER CHOMUK: Yes, sir.

12 DETECTIVE ILLIG: Okay. Now, you mentioned that the
13 call out occurred and the suspect started walking toward
14 your position behind your cover and concealment; correct?
15 And the suspect is facing the officers and you with his
16 hands up, holding the -- what appeared to be the
17 screwdriver in his hand; is that correct?

18 OFFICER CHOMUK: Initially, he walked out, and he was
19 facing us. And he was directed to turn around and put his
20 hands up, which he did, initially.

21 DETECTIVE ILLIG: So he was directed to turn around.
22 So --

23 OFFICER CHOMUK: Yes, sir.

24 DETECTIVE ILLIG: So now -- did he comply with the
25 command to turn around?

1 OFFICER CHOMUK: Yes, sir.

2 DETECTIVE ILLIG: And when you say he turned, how did
3 he turn around? What direction did he turn?

4 OFFICER CHOMUK: From my recollection, he turned
5 clockwise 180 degrees. So he turned to the -- to his
6 right.

7 DETECTIVE ILLIG: Okay. So he turned to his right,
8 clockwise, 180 degrees. And where was his back pointed at
9 that point?

10 OFFICER CHOMUK: His back was pointed towards the
11 direct -- his back was pointed towards us. You do hear, at
12 one point, officer directing him to step to the left, which
13 was -- which would be done so that officers -- we can
14 direct him exactly where we need to be, straight
15 towards -- backing him straight towards us, or to be able
16 to put him against a wall that was there.

17 DETECTIVE ILLIG: Okay. So his back is facing towards
18 the officers.

19 OFFICER CHOMUK: Yes, sir.

20 DETECTIVE ILLIG: He's directed to step to the left.

21 OFFICER CHOMUK: Yes, sir.

22 DETECTIVE ILLIG: And you just motioned with your hand
23 on the table, stepping to the left --

24 OFFICER CHOMUK: Yes, sir.

25 DETECTIVE ILLIG: -- similar to the motion of moving

1 understand what we're asking them to do, they will turn to
2 be like, "Wait, what?" Or to clar -- to -- for them to
3 clarify that they're -- that they're being compliant.
4 However, he didn't just do this; he made the turn, and then
5 he took a fighting stance, clenched his fist, dropped his
6 weight, and then began to -- and then began to -- I'm
7 sorry -- advance on officers, towards us. Based on his
8 demeanor, as well as him holding what I believed to be a
9 screwdriver, I made the determination that the threat to
10 officer safety was imminent. I stepped away from my cover,
11 made sure that there was no crossfire, and I fired one
12 round, sir.

13 DETECTIVE ILLIG: Okay. Did you call out the fact to
14 the officers in the area that he was holding what you
15 believed was a screwdriver in -- in his hands?

16 OFFICER CHOMUK: No. No, sir, I did not.

17 DETECTIVE ILLIG: And why not?

18 OFFICER CHOMUK: I did not because dealing in this Skid
19 Row area, you're dealing with people with mental illness or
20 suffering a mental health episode. We've oftentimes
21 multiple people yelling things, can confuse the subject or
22 suspect. And it can also cause -- it -- it can
23 also -- it -- it can confuse the scene. We had our officer
24 that was giving commands to the suspect, who he was
25 complying with. She was being direct. Her voice was

1 clear. So I was -- I was allowing her to do that instead
2 of shouting things in this hallway that would echo and
3 then, like I said, if this person was having a mental
4 health crisis and six people are yelling six different
5 things, they become more confused which could lead
6 to -- which could lead to a worse outcome, sir.

7 DETECTIVE ILLIG: Okay. Was there any -- did you give
8 any consideration to redeploying backwards to create more
9 distance, as opposed to firing the 40-millimeter?

10 OFFICER CHOMUK: At this point, he was too close
11 to -- to the -- the contact officer, the officer that was
12 in front of me, after I fired the round. Because by -- by
13 him walking backwards to us and complying, initially, he
14 essentially took away from the cover that we had set up.
15 You know, we -- we set up that spot because we all believed
16 that it was the safest spot with our cover/concealment to
17 give us distance, to give us time and control of the scene.

18 But by him giving us -- by -- by -- by him
19 complying, initially, I believe he used that as a means to
20 get closer to officers in an effort to harm us. So I -- I
21 don't believe it -- it would have been effective. I
22 believe at that point he was too close where officers could
23 redeploy, which is why I stepped away and I fired. Once I
24 did fire, I did step away in an effort to assess the
25 situation while reloading, prior to firing a -- possibly

1 40-millimeter?

2 OFFICER CHOMUK: Approximately, I would say, 6 to
3 8 feet.

4 DETECTIVE VALDOVINOS: 6 to 8 feet. Okay. At any
5 point did you see if the suspect made any contact with any
6 of the officers there?

7 OFFICER CHOMUK: Yes, ma'am.

8 DETECTIVE VALDOVINOS: And what did you see?

9 OFFICER CHOMUK: He made contact with a -- a female
10 officer that was there. As I said, when I fired the -- the
11 40-millimeter round, it was ineffective and seemed to
12 agitate him. Almost immediately after I fired that,
13 the -- the bean bag was deployed. At which point he yelled
14 and made contact with the female officer. And at which
15 point he -- my -- my sergeant engaged him, and they began
16 having a physical altercation together where they were at
17 close contact. And at this point, I didn't see a
18 screwdriver (Inaudible) I didn't hear anything fall. So I
19 believed that he could possibly still be holding that
20 weapon.

21 DETECTIVE VALDOVINOS: Okay. And what -- or who is
22 that female officer that you're referring to?

23 OFFICER CHOMUK: Officer Rodriguez.

24 DETECTIVE VALDOVINOS: Okay. And can you describe, if
25 you can, in detail further --

